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October 23, 2018

VIA ECF

Honorable Analisa Torres
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

**Re: Approval of Patrol Guide Section 212-11 in *Floyd, et al. v. City of New York, et al.*,
Case No. 08-CV-1034 (AT)**

Dear Judge Torres,

We represent Communities United for Police Reform (“CPR”), amicus curiae and designated stakeholder in the above-referenced matter. We write in response to the letter filed by Peter L. Zimroth (the “Monitor”) on Friday, October 19, 2018 relating to changes to Patrol Guide Section 212-11 (“P.G. 212-11”) for the court’s review and approval in part (“October 19 Submission”).

As the Monitor indicates on page 5 of his letter, the parties to this litigation disagree as to whether P.G. 212-11 adequately implements the requirements of the Right to Know Act (“RTKA”), which became effective as local law on October 19, 2018. Among other things, the RTKA created the requirement that New York Police Department (“NYPD”) officers hand out business cards identifying their name, rank, and command in certain non-emergency encounters; explicitly ask for consent prior to conducting certain searches; and notify individuals during those searches that they can refuse. P.G. 212-11 is one part of the Patrol Guide that is affected by the RTKA. The Monitor’s October 19 Submission indicates in blue highlighting those changes in P.G. 212-11 that are related to the implementation of the RTKA, solely for the court’s information, and acknowledges that implementation of the RTKA “is not within the scope of the monitorship.” October 19 Submission at 5.

As the organization that spearheaded the campaign that resulted in the City Council’s passage of the RTKA, CPR is currently involved in discussions with the NYPD to ensure that it complies with the RTKA. CPR respectfully requests that if the Court approves the set of changes to P.G. 212-11 that is being submitted for the Court’s approval—those relating to the business cards that are referred to at page 4 of the Monitor’s letter and highlighted in red at pages 7-8 of the second attachment to that letter—the Court make clear that it is not ruling on what is or is not required under the RTKA or whether any of the highlighted sections or anything else in P.G. 212-11 satisfies or limits the requirements on the NYPD under the RTKA. CPR believes this

clarification is appropriate to avoid future confusion that could inadvertently undermine full implementation of the RTKA.

Thank you for your time and attention in this matter.

Respectfully submitted,

DEBEVOISE & PLIMPTON LLP

By: /s/ Gary W. Kubek

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